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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,747	02/08/2001	Michio Tanimoto	S-2482	6897

7590 11/05/2003

SHERMAN & SHALLOWAY
413 North Washington Street
Alexandria, VA 22314

EXAMINER

OH, TAYLOR V

ART UNIT	PAPER NUMBER
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1625

DATE MAILED: 11/05/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,747

Applicant(s)

TANIMOTO, MICHIO

Examiner

Taylor Victor Oh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Final Rejection

The Status of Claims

Claims 1-4 have been rejected.

Claim Rejections-35 USC 112

The rejection of Claim 1 has been maintained due to applicants' failure to modify in the amendment.

Claim Rejections-35 USC 103

1. Applicants' argument filed 8/21/2003 have been fully considered but they are not persuasive.

Rejection of claims 1-4 under 35 U.S.C. 103(a) as being unpatentable over Wada et al (WO98/24746), which is equivalent to Wada et al (U.S. 6,028,220).

The rejection of Claims 1-4 under 35 U.S.C. 103(a) as being unpatentable over Wada et al (WO98/24746), which is equivalent to Wada et al (U.S. 6,028,220), is maintained for the reasons of the record in paper no. 12.

Response to Argument

2. The applicants argue the following issue:

1. Wada et al fails to disclose molded plural catalysts different from each other in the change of occupying volume, that of calcining temperature and type of alkali metal element;
2. there is no teaching about the unsupported molded catalyst in Wada et al; and
3. nothing is disclosed in the reference with respect to calcining temperature or type of alkali metal element.

The applicants' argument have been noted, but these arguments are not persuasive.

First, with regard to the first and third arguments, the Examiner has noted applicants' argument. However, the reference does indicate that the powder containing catalytically active components is subjected to preliminary calcinations at a temperature of from 300 to 500⁰ C. (see col. 5 ,lines 40-42); also, the activities of a plurality of catalysts are controlled by changing composition of catalytically active components (kind and / or quantity of an alkali metal in particular) are packed in the reaction tube (see from col. 1 ,line 66 to col. 2 , line 2). Furthermore, with respect to the occupying

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volume, this is well understood by those of ordinary skill in the art to be a result-effective variable, especially when attempting to control selectivity of a chemical process.

Therefore, it would have been obvious to the skilled artisan in the art to have motivated to adjust the Wada's et al occupying volumes by routine experimentations in order to obtain the optimum ranges for the catalytic activity for the plurality of catalysts. This is because the skilled artisan would expect to increase the catalytic activity for the plurality of catalysts by the manipulation of the occupying volume. Therefore, the reference does teach those limitations.

Second, with regard to the second argument, the Examiner has noted applicants' argument. However, with respect to the term "molded" catalysts, the Wada et al does teach this term as reviewed some passages "using a molding additive and/or a strength improving agent may be mixed with the calcined power prior to molding." This is directly related to using the molded catalysts in the process. Therefore, the reference is relevant to the claimed invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taylor Victor Oh whose telephone number is 703-305-0809. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alan Rotman can be reached on 703-308-4698. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-2742 for regular communications and 703-305-7401 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

November 2, 2003


D. MARGARET SEAMAN
PRIMARY EXAMINER